



THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit: 1761

In re

Patent Application of

Robert Lawrence Prosise *et al.*

Serial No.: 09/828,018

Filed: April 6, 2001

Confirmation No. 6388

Group Art Unit: 1761

Examiner: Pratt, Helen F.

“READY-TO-EAT, NUTRITIONALLY
BALANCED FOOD COMPOSITIONS HAVING
SUPERIOR TASTE SYSTEMS”

I, Mary A. Kocaja, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Mary A. Kocaja
Signature

1/8/04
Date of Signature

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE
UNDER 37 C.F.R. 1.104(e)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following comments are being submitted in response to the Examiner's Reasons for Allowance set forth in the Notice of Allowance mailed on October 9, 2003.

Applicant wishes to comment on the Examiner's Statement of Reasons for Allowance by pointing out that the reasons set forth by the Examiner appear to generalize some of the features of the claims. Therefore, the reasons set forth by the Examiner are not the only reasons that renumbered claims 1-126 are allowable. Each of renumbered independent claims 1, 75 and 115 may include additional patentable features or combinations of features not mentioned by the Examiner. Additionally, each of dependent claims 2-74, 76-114, and 116-126 may include additional patentable features or combinations of features not mentioned by the Examiner.

With respect to renumbered claim 1, the prior art does not teach or suggest a ready-to-eat food having, at a 60% confidence level, a lower taste value greater than -6.00; a water activity of less than 0.90; and comprising, on a 30 gram basis:

- a.) at least 5 grams of an amino acid source;
- b.) less than 3 grams of a digestible fat; and
- c.) a carbohydrate that at least about 2.5 grams of dietary fiber, the fiber having a particle size of less than 150 microns and a water absorption less than 7.0 grams per gram of fiber.

Renumbered dependent claims 2-74 ultimately depend from claim 1. Accordingly, claims 2-74 are allowable based upon claim 1. Claims 2-74 may also include additional patentable features and/or combinations of features which are not discussed herein.

With respect to renumbered claim 75, the prior art does not teach or suggest a ready-to-eat food having, at a 60% confidence level, a lower taste value greater than 22.50; a water activity of less than 0.90; and comprising, on a 40 gram basis:

- a.) at least 5 grams of an amino acid source;
- b.) less than 3 grams of a digestible fat; and
- c.) a carbohydrate that provides at least about 2.5 grams of dietary fiber, the fiber having a particle size of less than 150 microns and a water absorption less than 7.0 grams per gram of fiber.

Renumbered dependent claims 76-114 ultimately depend from claim 75. Accordingly, claims 76-114 are allowable based upon claim 1. Claims 76-114 may also include additional patentable features and/or combinations of features which are not discussed herein.

With respect to renumbered claim 115, the prior art does not teach or suggest a ready-to-eat food, wherein said food is a filled cracker, filled extruded snack, enrobed extruded snack, cracker, cookie, snack crisp, brownie or potato crisp having, at a 60% confidence level, a lower taste value greater than -9.00; a water activity of less than 0.90; and comprising, on a 40 gram basis:

- a) at least 5 grams of an amino acid source;
- b) less than 3 grams of a digestible fat; and
- c) a carbohydrate that provides at least about 2.5 grams of dietary fiber, the fiber having



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Mary A. Koceja

Signature

1/8/04

Date of Signature

SUBMISSION OF TEST EXAMPLES AND DATA

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This submission follows and supplements the Amendment filed on September 30, 2003. As indicated in the previous Amendment, the undersigned and the Examiner discussed the tests conducted by the original owner of the application, namely, Procter & Gamble (P&G). The undersigned indicated that P&G conducted a variety of tests while developing and experimenting with the subject matter of the present application. Because of the volume of the test data produced from these tests, it was decided that the undersigned would submit a representative sample of each type of test and data as the undersigned understood it.

Representative examples were filed with respect to related Application No. 09/827,802 filed April 6, 2001. The examples were discussed with the Examiner on September 29, 2003 with respect to this application as well as co-pending related Application Nos.

09/828,015, 09/827,863, 09/828,016, and 09/827,436, each of which was filed on April 6, 2001. In the previous Amendment, Applicant indicated that it would subsequently provide a file copy of the examples for each application.

Accordingly, placement in the file of the representative examples being filed herewith is respectfully requested.

Respectfully submitted, .

A handwritten signature in black ink, appearing to read 'Gregory J. Hartwig', with a stylized flourish at the end.

Gregory J. Hartwig
Reg. No. 46,761

File No. 066544-9006-00


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a particle size of less than 150 microns and a water absorption less than 7.0 grams per gram of fiber.

Renumbered dependent claims 116-126 ultimately depend from claim 115. Accordingly, claims 116-126 are allowable based upon claim 1. Claims 116-126 may also include additional patentable features and/or combinations of features which are not discussed herein.

Respectfully submitted,



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